

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

CASE NO. C70-9213

Subproceeding No. 17-3

STIPULATED MOTION AND ORDER
(1) STAYING CASE DEADLINES AND
(2) SETTING BRIEFING SCHEDULE
ON MOTIONS TO DISMISS

The undersigned parties ("Moving Parties") stipulate as follows and jointly move for the relief set out below.

1. In this action, the Stillaguamish Tribe seeks to establish marine water usual and accustomed fishing areas, as described in the Request for Determination [Dkt. 21580].

2. The Swinomish Indian Tribal Community, Upper Skagit Indian Tribe, and the Tulalip Tribes anticipate that they may file dispositive motions regarding the claims asserted in the Request for Determination. Parties filing motions will seek to avoid duplicative briefing. The Moving Parties intend that motions addressing threshold issues (including those related to finality of prior decisions or issues arising under Paragraph 25 of the Permanent Injunction) will be brought at this time (the "Motions"). However, the Moving Parties do not intend to

1 foreclose any party from bringing any summary judgment motion based on facts disclosed in
2 discovery conducted during this subproceeding.

3 3. The Moving Parties believe that consideration and resolution of the Motions will
4 be appropriate before the parties and the Court expend their resources on discovery and related
5 matters.

6 4. The Moving Parties have conferred with each other, and agree the Court should
7 order the following relief:

- 8 a. Motions addressing threshold issues shall be filed on or before October 5,
9 2018, and shall be noted for consideration for November 30, 2018.
- 10 b. Any party to this action desiring to join any of the motions or file a brief
11 containing argument in support of the motions shall do so no later than
12 October 17, 2018.
- 13 c. Responsive materials in opposition to the motions shall be filed on or before
14 November 14, 2018.
- 15 d. Reply materials shall be filed on or before November 30, 2018.
- 16 e. All Parties shall confer no later than September 11, 2018 on the number and
17 page limits for briefs and shall present a motion to the Court for
18 consideration on or before September 13, 2018 regarding same.
- 19 f. The deadlines and other requirements set out in the Court's orders in this
20 case, including the July 17, 2018 Order Regarding Initial Disclosures, Joint
21 Status Report, and Early Settlement [Dkt. #46], and all other deadlines
22 contained in Fed. R. Civ. Proc. 16 (including any deadline to file responses
23 or answers to the Request for Determination as required by Paragraph 25 of
24 the Final Injunction, as amended in this case) are stayed pending further
25 order of the Court. The Court will enter new orders as may be necessary
26 after resolution of the Motions.

1 5. The Moving Parties stipulate to entry of the order below.

2 DATED this _19th_ day of July, 2018. _____

3 **THE TULALIP TRIBES**

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20 **ORDER**

21 Based on the foregoing stipulation, and for good cause shown:

- 22 1. Motions addressing threshold issues (including those related to finality of prior
- 23 decisions or issues arising under Paragraph 25 of the Permanent Injunction) (the
- 24 “Motions”) shall be filed on or before October 5, 2018, and shall be noted for
- 25 consideration for November 30, 2018.
- 26

